REMARKS

This responds to the Office Action mailed on <u>September 12, 2007</u>.

Claims 1, 4-7, 17, 22, 25-27, 33, 37-39 and 43-44 are amended, claims 8-16 and 28-32 are canceled without prejudice or disclaimer, and no claims are added; as a result, claims 1-7, 17-27, and 33-44 remain pending in this application. The amendments correct minor typographical errors and more particularly describe the inventive subject matter. Support for the amendments may be found throughout the specification, and at least on page 4, lines 19-35 and on page 13, lines 6-19

Affirmation of Election

Restriction to one of the following claims was required:

I. Claims 1-7, 17-21, 22-27, 33-38 and 39-44, drawn to a method for providing a logical router within a physical router, classified in class 709, subclass 220.

II. Claims 8-12 and 28-32, drawn to a method for allocating a router element to an LR, classified in class 709, subclass 220.

III. Claims 13-16, drawn to a router, classified in class 709, subclass 238.

As provisionally elected without traverse by Applicant's representative, **Rodney L. Lacy,** on September 7, 2007, Applicant elects to prosecute the invention of Group I, claims 1-7, 17-21, 22-27, 33-38 and 39-44.

The claims of the non-elected invention, claims 8-16 and 28-32, are hereby canceled without prejudice or disclaimer. However, Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

§112 Rejection of the Claims

Claims 33-44 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. In particular, the Office Action states:

> the preamble calls for configuring a logical router, however, no configuring is seen in the claim combination. The first two steps are not related to configuring and the last step is no different than the preamble.

Applicant has amended claims 33 and 39 to recite receiving and storing configuration data.

Applicant respectfully submits that the amendments overcome the rejection.

> The Office Action further states:

> Further, the term "selecting" in the step implies that a working LR already exists in the physical router. Since it is a working LR, it does not require any allocating or configuring.

Applicant respectfully disagrees. Selecting an LR does not imply, nor do the claims require, that an LR be working in order to be selected. For example, an LR may be in various states of configuration, for example allocated but not configured, partially configured or fully configured. Further, it is possible that a working LR may be reconfigured, for example by allocating different router elements to the LR or by providing different configuration data for existing router elements allocated to an LR Thus an LR may be allocated router elements and be otherwise reconfigured regardless of whether the LR is working or not.

For the above reasons, Applicant respectfully request reconsideration and the withdrawal of the rejection of claims 33-44.

§102 Rejection of the Claims

Claims 1-7, 17-21, 22-27, 33-38 and 39-44 were rejected under 35 U.S.C. § 102(e) for anticipation by Agarawal (U.S. Patent No. 7,155,535). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131. Applicant respectfully submits that Agarawal does not anticipate the claims as amended because Agarawal does not teach each and every claim element.

For example, claim 1 recites that Logical Routers (LRs) have owner entities and that creating a LR and allocating router elements requires at least a first privilege level and that configuring the LR requires a second privilege level restricting access to the owner entity for the LR or the first privilege level. Claims 17, 22, 33, and 39 recite similar language. With respect to logical routers, Agarawal makes a one statement declaration that "[s]calable routers can also be logically partitioned into logical router entities also know as virtual routers that run independently, sharing the same physical router's resources." (see column 2, lines 47-51). Agarawal does not specifically describe any other aspects specific to logical routers. Further, Agarawal does not teach that providing and/or configuring a LR on a physical router may utilize multiple privilege levels as recited in Applicant's claims 1, 17, 22, 33, and 39. As a result, claims 1, 17, 22, 33, and 39 are not anticipated by Agarawal. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 17, 22, 33, and 39.

Claims 2-7 depend from claim 1, claims 18-21 depend from claim 17, claims 23-27 depend from claim 22, claims 34-38 depend from claim 33 and claims 40-44 depend from claim 39. These dependent claims inherit the elements of their respective base claims, including elements related to requiring particular privileges to create and allocate LRs and configure LRs. Therefore claims 2-7, 18-21, 23-27, 34-38 and 40-44 are not anticipated by Agarawal for at least the reasons discussed above regarding their respective base claims 1, 17, 22, 33, and 39. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-7, 18-21, 23-27, 34-38 and 40-44

Further, claims 2, 3, 18, 19, 23, 24, 35, 36, 41, 42 were rejected in the Office Action with the sole statement "[i]t is well known router requires address for identification." Applicant respectfully traverses the rejection. Applicant notes that regardless of the accuracy of the statement in the Office Action, the claims do not recite providing an address for a router for identification. Rather, the claims recite particular methods for identifying router elements within a logical router. For example, claims 2, 18, 23, 35 and 41 recite using a slot address as part of the process of allocating a plurality of router elements to a logical router. Claims 3, 19, 24, 36 and 42 recite using a router element identifier as part of the process of allocating router elements to a logical router. Neither a slot address nor an element identifier "provide an address for a router" as stated in the Office Action. Instead, the slot address and router element identifier are

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/772,827
Filing Date: February 5, 2004
Title: LOGICAL ROUTERS

Page 11
Dkt: 1370.003US1

used to allocate router elements to a logical router. Agarawal does not disclose the use of a slot address nor a router element identifier to allocate router elements to a logical router. Thus Agarawal does not disclose each and every element of claims 2, 3, 18, 19, 23, 24, 35, 36, 41, 42 and does not show the elements identical to those in as complete detail as recited in claims 2, 3, 18, 19, 23, 24, 35, 36, 41, 42. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2, 3, 18, 19, 23, 24, 35, 36, 41, 42.

Claims 4-7, 20, 21, 25, 26, 27, 34, 37, 38, 40, 43, 44 were rejected in the Office Action with the sole statement "[c]laims 4-7 merely consists of non-functional descriptive material." Applicant notes that claims 20, 21, 25, 26, 27, 34, 37, 38, 40, 43, 44 were not specifically addressed. Applicant has amended claims 4-7, 25-27, 37-38 and 43-44 to provide functional language. Claims 20 and 21 recite structural limitations of a system and are therefore not "non-functional descriptive material." Claims 34 and 40 provide functional language more particularly describing selecting a LR, such language is therefore not "non-functional descriptive material."

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/772,827
Filing Date: February 5, 2004
Title: LOGICAL ROUTERS

Page 12
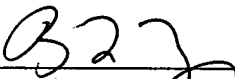Dkt: 1370.003US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date _February 12, 2008_   By _____
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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this _12th_ day of February 2008.

Name: _Rodney L. Lacy_   Signature: _____